

REGISTER

South Dakota Legislative Research Council



Volume 38

Monday, 8:00 a.m., August 15, 2011

NOTICES OF PROPOSED RULES: The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Labor and Regulation: Division of Insurance: (August 11, 2011) intends to amend rules to revise the time frame for disclosures for the sale of life insurance policies; require specimen copies of provider contracts with access plan filings; and modify the requirements as they relate to internal appeals procedures. The general authority for these rules, as cited by the department, is SDCL 58-17-87, 58-17F-10, 58-17F-21, 58-18-79, and 58-33A-7.

A public hearing will be held in the Main Floor Conference Room, Anderson Building, Pierre, South Dakota, on September 6, 2011, at 10:00 a.m. Paper copies of the proposed rules may be obtained without charge from and written comments sent to the Division of Insurance, Administrative Rules, 445 E. Capitol Avenue, Pierre, South Dakota 57501-3185. Material sent by mail must reach the Division of Insurance by September 5, 2011, to be considered. The text of the proposed rules is posted on the department's website: <http://www.state.sd.us/drr2/reg/insurance/Legal/hearing.htm>. The rules may also be obtained as a Microsoft Word attachment by emailing melissa.kleemann@state.sd.us. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3563 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Craig L. Eschenbaum, Aberdeen, was reappointed on August 4, 2011, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2014.

Leo P. Hallan, Yankton, was reappointed on August 4, 2011, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2014.

Kathleen A. Hassebrook, Aberdeen, was reappointed on August 4, 2011, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2014.

Karen A. Kappel, Dell Rapids, was appointed on August 4, 2011, to the **Board of Massage Therapy**, to replace Timothy Faiman, effective July 20, 2011, and shall continue until June 30, 2014.

Robert Kean, Pierre, was reappointed on August 4, 2011, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2014.

Carol A. Kirchgesler, Aberdeen, was reappointed on August 4, 2011, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2014.

Joseph R. Rehurek, Yankton, was reappointed on August 4, 2011, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2014.

Elaine Roberts, Sioux Falls, was reappointed on August 4, 2011, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2014.

Barbara J. Storbeck, Rapid City, was appointed on August 4, 2011, to the **Board of Vocational Rehabilitation**, to replace Cindy Koupal, effective July 18, 2011, and shall continue until June 30, 2014.

Laura L. Woitte, Sioux Falls, was reappointed on August 4, 2011, to the **Board of Massage Therapy**, effective immediately and shall continue until June 30, 2014.

Amber A. Determan, Mitchell, was appointed on August 8, 2011, to the **State Board of Dentistry**, to replace Dr. Geoffrey Johnson, effective July 29, 2011, and shall continue until June 30, 2014.

Janet J. Metzger, Gordon, Nebraska, was appointed on August 8, 2011, to the **South Dakota Professional Teachers Practices and Standards Commission**, to replace Lisa McNeely, effective August 3, 2011, and shall continue until December 31, 2012.

Joshua D. Nankivel, Sioux Falls, was appointed on August 8, 2011, to the **Planning Council on Developmental Disabilities**, to replace Deanne Curran, effective July 19, 2011, and shall continue until June 30, 2013.

Glen R. Sachau, Spearfish, was reappointed on August 8, 2011, to the **State Board of Dentistry**, effective immediately and shall continue until June 30, 2014.

Roy A. Seaverson, Sioux Falls, was reappointed on August 8, 2011, to the **State Board of Dentistry**, effective immediately and shall continue until June 30, 2014.

Tina Van Camp, Pierre, was reappointed on August 8, 2011, to the **State Board of Dentistry**, effective immediately and shall continue until June 30, 2014.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

8-16-2011	Agriculture: Division of Agricultural Services	Amend rules to require bulk storage facilities to anchor new and reinstalled bulk pesticide tanks in case the secondary containment fills with a liquid, record keeping requirements for each pesticide and repackaging of pesticides, to eliminate the minimum gallons required for operational area containment, revise the definition of triple rinse, and to dismiss outdated rules pertaining to commercial applicator's and open burning of containers; 38 SDR 11.
-----------	--	--

8-18-2011	Environment and Natural Resources: Board of Minerals and Environment	Update the state's existing hazardous waste rules by incorporating updated federal regulations by reference. These updates reflect changes made to the federal hazardous waste rules from July 1, 2008 through June 30, 2010. Changes include establishing an alternative set of requirements for academic laboratories; rules that address transboundary movement of hazardous wastes and spent lead-acid batteries; and technical and typographical corrections to errors in the federal rules; 37 SDR 221.
8-18-2011	Environment and Natural Resources: Board of Minerals and Environment	Amend Solid Waste rules to include definitions related to medical waste; repeal Medical Waste rules to eliminate redundancy; and amend Regional Haze Program rules to revise the emission limits for sulfur dioxide and nitrogen oxides to include periods of startup and shutdown for coal fired power plants such as Ottertail Power Company's Big Stone I facility, define a "30-day rolling average" and "operating day" for calculating emission rates, and revise monitoring, recordkeeping, reporting, and other miscellaneous requirements; 38 SDR 7.
8-25-2011	Veterans Affairs	Amend rules to align the existing rules with South Dakota Codified Laws affected by the Executive Reorganization Order 2011-01 creating the Department of Military and the Department of Veterans Affairs; address VA and Medicaid rules with regard to fees charged at the Michael J. Fitzmaurice Veterans Home; and clarify the number of days a resident can furlough at the Michael J. Fitzmaurice Veterans Home; 38 SDR 15.
8-25-2011	Transportation	Amend a speed zone in the town of Lake Norden in Hamlin County on State Highway 28 to create a 50 mile per hour reduced speed zone adjacent to commercial and residential areas in the city limits and the curves near the lake; 38 SDR 15.
9-2-2011	Labor and Regulation: Division of Securities	Amend a rule to create an exemption from registering or reporting to South Dakota Division of Securities for certain private fund advisers; 38 SDR 19.
9-6-2011	Labor and Regulation: Division of Insurance	Amend rules to revise the time frame for disclosures for the sale of life insurance policies; require specimen copies of provider contracts with access plan filings; and modify

		the requirements as they relate to internal appeals procedures; 37 SDR 23.
--	--	--

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 30, 2011. The committee chair has set the following tentative meeting schedule for the 2011 interim: September 27, November 15, and December 12.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.